

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

NETLIST, INC.

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD.,
SAMSUNG ELECTRONICS AMERICA, INC.
and SAMSUNG SEMICONDUCTOR, INC.,

Defendants.

Civil Case No. 2:22cv-00293-JRG
(LEAD CASE)

**DEFENDANT SAMSUNG’S MOTION TO EXPEDITE BRIEFING
ON DEFENDANTS SAMSUNG’S RENEWED MOTION TO STAY (Dkt. 735)**

Defendants Samsung Electronics Co., Ltd., Samsung Electronics America Inc., and Samsung Semiconductor Inc. (collectively “Samsung”) respectfully moves for expedited briefing on its concurrently filed Renewed Motion To Stay Pending Appeal of the PTAB’s IPR Final Written Decisions Invalidating the Asserted Claims of the ’912 and ’417 Patents (Dkt. 735). (“Renewed Motion To Stay”).

On July 30, 2024, the Patent Trial and Appeal Board (“PTAB”) issued a Final Written Decision in IPR2023-00454 invalidating all asserted claims of U.S. Patent No. 11,093,417 (the “’417 patent”). In its Renewed Motion To Stay, Samsung asks this Court to stay this case pending the appeal of the PTAB’s decision. Given the stage of the case, Samsung respectfully submits that there is good cause to expedite briefing on this motion.

Counsel for Samsung conferred with counsel for Plaintiff Netlist, Inc. (“Netlist”) on an expedited schedule and the parties exchanged competing proposals but could not reach agreement. Samsung respectfully asks this Court to enter an order expediting Netlist’s deadline

to respond to the Renewed Motion To Stay by one week, which would make the deadline to respond August 8, 2024. Netlist would agree to expedite its response, but only on the condition that the Parties forgo replies and sur-replies. At this time, Samsung is not willing to agree to forego a reply without knowing how Netlist will respond to the Renewed Motion To Stay. Accordingly, the Parties have reached an impasse.

For these reasons, Samsung respectfully asks this Court to grant this Motion To Expedite and enter an order that Netlist's Response to Samsung's Renewed Motion To Stay be filed no later than August 8, 2024, with the Parties retaining the option under the Local Rules to file a reply and sur-reply.

Dated: July 31, 2024

Respectfully submitted,

By: /s/ Melissa R. Smith

Melissa Richards Smith
melissa@gillamsmith.com
GILLAM & SMITH, LLP
303 South Washington Ave.
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

J. Travis Underwood
Texas Bar No. 24102587
travis@gillamsmithlaw.com
GILLAM & SMITH, LLP
102 North College Avenue, Suite 800
Tyler, Texas 75702
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

Brian R. Nester
DC Bar No. 460225
bnester@cov.com
COVINGTON & BURLING LLP
One CityCenter 850 Tenth Street, N
Washington, DC 20001-4956

Ruffin B. Cordell
TX Bar No. 04820550
cordell@fr.com
Michael J. McKeon
D.C. Bar No. 459780
mckeon@fr.com
Lauren A. Degnan
D.C. Bar No. 452421
degnan@fr.com
Daniel A. Tishman
DC Bar No. 1013923
tishman@fr.com
FISH & RICHARDSON P.C.
1000 Maine Avenue, SW
Washington, DC 20024
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

Francis J. Albert
CA Bar No. 247741
albert@fr.com
FISH & RICHARDSON P.C.
12860 El Camino Real, Ste. 400

Telephone: (202)-662-6000

Alice J. Ahn

CA Bar No. 271399/DC Bar No. 1004350

aahn@cov.com

COVINGTON & BURLING LLP

415 Mission Street, Suite 5400

San Francisco, CA 94105

Telephone: (415) 591-7091

Facsimile: (415) 955-6571

San Diego, CA 92130

Telephone: (858) 678-5070

Facsimile: (858) 678-5099

Thomas H. Reger II

reger@fr.com

Texas Bar No. 24032992

FISH & RICHARDSON P.C.

1717 Main Street, Suite 5000

Dallas, Texas 75201

Telephone: (214) 747-5070

Facsimile: (214) 747-2091

*Attorneys for Defendants Samsung Electronics Co., Ltd.;
Samsung Electronics America, Inc.; and Samsung Semiconductor, Inc.*

CERTIFICATE OF CONFERENCE

I hereby certify that counsel for the parties met and conferred and exchanged the proposals recited in the body of this Motion. The discussion conclusively ended in an impasse, leaving an open issue for the Court to resolve. Samsung therefore files this Motion as opposed.

/s/ J. Travis Underwood

J. Travis Underwood

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served on July 31, 2024, with a copy of this document via the Court's CM/ECF system.

/s/ Melissa R. Smith

Melissa R. Smith